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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/116,310    07/15/98    ~~WOODRUFF~~ **WOODRUFF**    R    042390.P5358

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TM02/0329

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EXAMINER
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ZIEMER, R	
ART UNIT	PAPER NUMBER

2184  
DATE MAILED:

9

03/29/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.  
09/116,310

Applicant(s)

~~Woodruff~~ **WOODRUFF**

Examiner  
Rita Ziemer

Group Art Unit  
2184



☒ Responsive to communication(s) filed on 7 Feb 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-22 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-22 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culley et al., U.S. Patent No. 6,000,040 in view of Fawcett et al., U.S. Patent Nol 5,678,002.

This rejection *is maintained* as described in the previous office action mailed 11/09/00 as paper number 2.

### *Response to Arguments*

3. Applicant's arguments filed 2/7/01 have been fully considered but they are not persuasive.

The Applicant argues that Culley does not disclose running diagnostics downloaded from a remote location and that Fawcett does not describe initiating a reset from a remote location. It was stated in the previous office action that Culley does not specifically state that the diagnostic software is downloaded from a remote location. That is why the Examiner introduced the reference to Fawcett, who does teach downloading diagnostic software from a remote location. Culley teaches initiating a remote reset. Therefor the combination of Culley and Fawcett teaches the limitations of the Applicant's claims as stated in the previous office action mailed 11/09/00 as paper number 2. The Applicant indicates that because Fawcett uses a modem to communicate between the computers, degradations would be a concern when running diagnostic operations. That would provide additional motivation, beyond that stated in the previous office action, to one

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of ordinary skill in the art to combine it with the system taught by Culley, because it would reduce the potential performance degradations that may be incurred using modem connections.

*Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

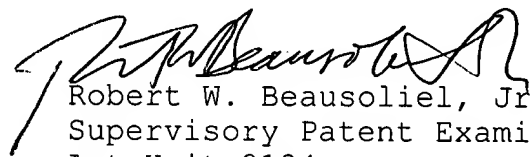
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita Ziemer, whose telephone number is (703) 308-7090. The examiner can normally be reached on M-F from 7:30 a.m. to 4:00 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Robert W. Beausoliel, Jr., can be reached at (703) 305-9713. Additionally, the fax phone for Art Unit 2184 is (703) 305-3718 or 308-6743.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.

**Rita Ziemer**

March 26, 2001

  
Robert W. Beausoliel, Jr.  
Supervisory Patent Examiner  
Art Unit 2184